

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION**

A. C. FURNITURE, INC.,

Plaintiff,

v.

ARBY'S RESTAURANT GROUP, INC.,

Defendant.

Civil Action File No. 4:14-cv-00029

**NOTICE OF DISMISSAL WITHOUT PREJUDICE**

PLEASE TAKE NOTICE that plaintiff A.C. Furniture, Inc. and Defendant Arby's Restaurant Group, Inc., by their respective attorneys and under Fed. R. Civ. P. 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, hereby stipulate to the dismissal of the present action and state as follows:

1. A.C. Furniture, Inc. dismisses this Action against Arby's Restaurant Group, Inc. without prejudice.
2. Arby's Restaurant Group, Inc. has stipulated to A.C. Furniture, Inc.'s dismissal.
3. The parties agree that if this action, cause or causes of action or any claim arising out of the facts and circumstances described in Plaintiff's Complaint and/or Defendant's Answer is re-filed, the jurisdiction for any such re-filing shall be exclusively in the United States District Court for the Northern District of Georgia, and more specifically the Division of that court presiding in Atlanta, Georgia.
4. The parties are each to bear their own costs and fees.

WHEREFORE, the Parties respectfully request that this Court close this Action.

**IT IS SO STIPULATED.**

Dated: February 19, 2015

s/ Michael A. Cole  
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*Attorneys for Arby's Restaurant Group,  
Inc.*

**ATTESTATION:** the filer attests that concurrence in the filing of this document has been obtained from each signatory hereto.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of the within and foregoing by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

EDWARD P. BONAPFEL  
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This 19th day of February, 2015.

By: /s/Michael A. Cole  
Michael A. Cole  
Va. Bar # 70586